

**APPLICATION GRANTED
SO ORDERED** 
VERNON S. BRODERICK
U.S.D.J. 12/13/2022



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December 12, 2022

VIA ECF

Hon. Vernon S. Broderick
 United States District Court
 Southern District of New York
 40 Foley Square
 New York, NY 10007

Re: *San Rocco Therapeutics, LLC v. Memorial Sloan Kettering Cancer Center, et al., No. 1:21-cv-08206-VSB*

Dear Judge Broderick:

On December 6, 2022, the Court entered an Order (Dkt. No. 100) granting Plaintiff's, with Defendants' consent, motion to withdraw its motion for leave to file a second amended complaint (the "SAC Motion"), and to dismiss its claim of fraudulent inducement with prejudice. In addition, the Court directed parties to submit a joint status letter by December 13, 2022, stating what matters are mooted by Plaintiffs' withdrawal of the SAC Motion and what matters still require resolution. In compliance with your Honor's instructions, the parties jointly submit this status letter.

The following matters are mooted:

- a) Dkt. No. 61 (Plaintiff's June 7, 2022, motion requesting that the Court reserve decision on Defendants' January 12, 2022, motion to compel arbitration and stay the proceedings, or, in the alternative, to dismiss Plaintiff's first amended complaint); and
- b) Dkt. No. 26 (Defendants' December 2, 2021, motion to compel arbitration and stay proceedings, or, in the alternative, to dismiss Plaintiff's complaint).

The following matter is pending: Dkt. No. 36 (Defendants' January 12, 2022, motion to compel arbitration and stay the proceedings, or, in the alternative, to dismiss Plaintiff's first amended complaint).

A Pennsylvania Limited Liability Partnership



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In the Order, your Honor further instructed parties to state whether they believe that this litigation would benefit from a referral to a mediation program or magistrate judge for a settlement conference. (Dkt. No. 100.) At this time, the parties anticipate engaging in settlement discussions in the near future; however, the parties have not yet determined that a referral to a mediation program or magistrate judge for a settlement conference would be beneficial at this time.

Respectfully submitted,

FOX ROTHSCHILD LLP

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